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David P. Hall, SBN 196891
NEIL, DYMOTT, FRANK,
MCFALL & TREXLER
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Attorneys for Defendants
FRIJOUF, RUST & PYLE, P.A. and ROBERT F. FRIJOUF

FILED

08 MAR 17 PM 3:59

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: *CP* DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

PURE BIOSCIENCE, a California
Corporation,

Plaintiff,

vs.

FRIJOUF, RUST & PYLE, P.A., a Florida
Professional Association, ROBERT F.
FRIJOUF, an individual, and does 1 through 50
inclusive,

Defendants.

CASE NO. **08 CV U 489 W CAB**
**NOTICE OF REMOVAL FROM STATE
COURT UNDER 28 U.S.C. § 1441(a)**

TO CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE THAT Defendants Frijouf, Rust & Pyle, P.A. and Robert F.
Frijouf, by and through their attorneys of record, hereby remove to this Court the state court action
described below:

1. On February 19, 2008, a lawsuit entitled Pure Bioscience v. Frijouf, Rust & Pyle,
P.A., et al. was filed in the Superior Court of the State of California County of San Diego, East

1 County Division and assigned Case Number 37-2008-00061993-CU-MC-EC. A copy of the
2 Complaint is attached as Exhibit A.

3 2. Frijouf, Rust & Pyle, P.A., a Florida Professional Association, improperly
4 denominated as "Frijouf, Rust & Pyle, P.A., a partnership," has been named as a Defendant pursuant
5 to the Complaint in the action.

6
7 3. Robert F. Frijouf, the sole shareholder of Frijouf, Rust & Pyle, P.A. has been named
8 as a Defendant pursuant to the Complaint in the action.

9 4. Frijouf, Rust & Pyle, P.A. is now, and has been continuously at all relevant times, a
10 Professional Association organized under the laws of the State of Florida with its principle place of
11 business located in Tampa, Florida.

12 5. Robert F. Frijouf is now, and has been continuously at all relevant times, a citizen of
13 the State of Florida.

14 6. To the knowledge and belief of Defendant, Plaintiff is a California Corporation with a
15 principal place of business at 1725 Gillespie Way, El Cajon, California 92020.

16 7. The matter in controversy exceeds the sum or value of \$75,000.00 (Seventy-Five
17 Thousand Dollars) exclusive of interest and costs.

18 8. In particular, Plaintiff seeks a declaratory judgment against Defendants establishing a
19 contract between the parties is *void ab initio*.

20 9. In actions seeking declaratory relief, it is well established that the amount in
21 controversy is measured by the value of the object of the litigation. *Cohn v. Petsmart, Inc.*, 281 F.3d
22 837, 840 (9th Cir. 2002); *Hunt v. Wash. State Apple Adver. Comm'n*, 432 U.S. 333, 347, 53 L. Ed. 2d
23 383, 97 S. Ct. 2434 (1977); *McNutt v. General Motors Acceptance Corp.*, 298 U.S. 178, 181 (1936);
24 *Glenwood Light & Water Co. v. Mutual Light, Heat & Power Co.*, 239 U.S. 121, 126 (1915); *Hunt v.*
25 *New York Cotton Exchange*, 205 U.S. 322, 336 (1907).
26
27
28

1 10. Here, the object of the litigation is a contract calling for compensation to Defendant
2 for legal services rendered to the benefit of Plaintiff. Plaintiff now seeks a declaratory judgment
3 establishing that the contract is *void ab initio*. The value to the Defendant of the contract is the
4 amount due Defendant pursuant to the contract. The amount due Defendant pursuant to the contract
5 greatly exceeds \$75,000.00 (Seventy-Five Thousand Dollars) and is believed to be on the order of
6 one million dollars (\$1,000,000).
7

8 11. This action is removable to this Court pursuant to 28 U.S.C. § 1441(a) in that this
9 action is one over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332(a). There
10 is complete diversity of citizenship and the amount in controversy will exceed \$75,000.00.

11 12. This Notice of Removal is filed within thirty (30) days after receipt by Defendant of
12 the Complaint and is filed within one year of the commencement of this action as required by 28
13 U.S.C. § 1446(b).
14

15
16 Dated: March 14, 2008

NEIL, DYMOTT, FRANK,
MCFALL & TREXLER
A Professional Law Corporation

17
18
19 By: 

Hugh A. McCabe

David P. Hall

Attorneys for Defendants
FRIJOUF, RUST & PYLE, P.A. and
ROBERT F. FRIJOUF
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FILED

EAST COUNTY DIVISION

2008 FEB 19 PM 3: 09

CLERK - SUPERIOR COURT
SAN DIEGO COUNTY, CA

CHARLES E. BRUMFIELD, ESQ. (CA Bar #56636)
1725 Gillespie Way
El Cajon, CA 92020
Phone: (619) 596-8600 x138
Fax: (619) 596-8790

Attorney for Plaintiff,
PURE BIOSCIENCE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

(East County Division)

PURE BIOSCIENCE, a California
Corporation,

Plaintiff,

v.

FRIJOUF, RUST & PYLE P.A., a Partnership,
Robert F. Frijouf, an individual, and DOES 1
through 50, inclusive,

Defendants.

Case Number: **37-2008-00061993-CU-MC-EC**

DECLARATORY RELIEF RE
PURPORTED LEGAL FEE
AGREEMENT(S)

Plaintiff PURE BIOSCIENCE, a California corporation (hereinafter "PURE" or "Plaintiff")
alleges as follows:

FIRST CAUSE OF ACTION
(Declaratory Relief)

1. PURE is a public corporation with its principal place of business at 1725 Gillespie Way, El Cajon, California 92020.
2. Defendant Frijouf, Rust & Pyle P.A. is and at all times herein mentioned was a legal partnership purporting to represent certain interests of PURE. Robert F. Frijouf was the lead attorney for PURE within the referenced firm. The "contract" sought to be interpreted

1 herein was purportedly entered into in San Diego County and defendants have conducted
2 business in said county.

3 2. An actual controversy has arisen and now exists in that Defendants assert
4 entitlement to collect fees from PURE in respect to certain purported oral agreements and/or
5 written confirmation thereof. PURE contends that the purported oral agreements or written
6 confirmation thereof are void *ab initio* as a result of fraud in the inducement, terminated by
7 virtue of material breach, and/or otherwise unenforceable or wholly offset due to Defendants'
8 asserted breach of fiduciary or ethical duties, breach of the attorney duty of confidentiality,
9 attorney conflict of interest, improper legal licensure, legal malpractice, attorney fraud and/or
10 sharp practice.

12 3. A judicial determination of the respective rights and obligations of the parties under
13 the agreement(s) is necessary and appropriate to resolve the foregoing controversy.

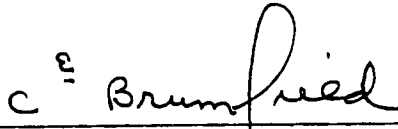
14 4. PURE asserts that the foregoing controversy is the proper province of arbitration
15 before Jack Fitzmaurice in his capacity as Compliance Monitor for that certain "Core Settlement
16 Agreement." Plaintiff will stand down from this litigation upon Defendants' agreement to so
17 submit.

18 **WHEREFORE**, Plaintiff prays as follows:

- 19 1. For an order determining the Parties' rights and obligations under the purported
- 20 agreement(s); and
- 21 2. For any other relief determined to be appropriate by the Court.

23 Respectfully submitted,

26 Dated: February 19th, 2008

25 
27 CHARLES E. BRUMFIELD,
28 Attorney for PURE
29

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

FRIJOUF, RUST & PYLE P.A., a Partnership, ROBERT F. FRIJOUF,
an individual, and DOES 1 through 50, inclusive

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**
PURE BIOSCIENCE, a California Corporation

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
FILED
EAST COUNTY DIVISION
2008 FEB 19 PM 3:09
CLERK - SUPERIOR COURT
SAN DIEGO COUNTY, CA

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY
OF SAN DIEGO, EAST COUNTY DIVISION

250 E. Main Street, El Cajon, CA 92020

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

CHARLES E. BRUMFIELD, ESQ. (56636)

1725 Gillespie Way, El Cajon, CA 92020 Phone: 619-596-8600 x138 Fax: 619-596-8790

CASE NUMBER:
(Número del Caso): **37-2008-00081993-CU-MC-EC**

DATE:

(Fecha)

FEB 19 2008

Clerk, by _____

(Secretario)

G. Miller, Deputy Clerk

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date):

Page 1 of 1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO	
STREET ADDRESS: 250 East Main Street	
MAILING ADDRESS: 250 East Main Street	
CITY AND ZIP CODE: El Cajon, CA 92020	
BRANCH NAME: East County	
TELEPHONE NUMBER: (619) 441-4894	
PLAINTIFF(S) / PETITIONER(S): Pure Bioscience	
DEFENDANT(S) / RESPONDENT(S): Frijouf Rust & Pyle PA et.al.	
PURE BIOSCIENCE VS. FRIJOUF RUST & PYLE PA	
NOTICE OF CASE ASSIGNMENT	CASE NUMBER: 37-2008-00061993-CU-MC-EC

Judge: Laura W. Halgren

Department: E-15

COMPLAINT/PETITION FILED: 02/19/2008

CASES ASSIGNED TO THE PROBATE DIVISION ARE NOT REQUIRED TO COMPLY WITH THE CIVIL REQUIREMENTS LISTED BELOW

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT).

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Small claims appeals, petitions, and unlawful detainers.

COMPLAINTS: Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE (SDSC CIV-345) filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document.

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.)

DEFAULT: If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service.

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT AND OTHER PROVIDERS. SEE ADR INFORMATION PACKET AND STIPULATION.

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION PURSUANT TO CCP 1141.10 AT THE CASE MANAGEMENT CONFERENCE. THE FEE FOR THESE SERVICES WILL BE PAID BY THE COURT IF ALL PARTIES HAVE APPEARED IN THE CASE AND THE COURT ORDERS THE CASE TO ARBITRATION PURSUANT TO CCP 1141.10. THE CASE MANAGEMENT CONFERENCE WILL BE CANCELLED IF YOU FILE FORM SDSC CIV-359 PRIOR TO THAT HEARING

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Charles E. Brumfield, Esq. (56636) 1725 Gillespie Way El Cajon, CA 92020		FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold; margin: 0;">FILED</div> EAST COUNTY DIVISION 2008 FEB 19 PM 3:09 CLERK-SUPERIOR COURT SAN DIEGO COUNTY, CA	
TELEPHONE NO.: 619-596-8600 x138 FAX NO.: 619-596-8790 ATTORNEY FOR (Name): Pure Bioscience			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 250 E. Main St. MAILING ADDRESS: 250 E. Main St. CITY AND ZIP CODE: El Cajon, CA 92020 BRANCH NAME: East County Division			
CASE NAME: PURE BIOSCIENCE v. FRIJOUF, RUST & PYLE P.A.			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: 37-2008-00061993-CU-MC-EC
		JUDGE:	DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:		
Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input checked="" type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☐ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): **One - Declaratory Relief**
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 02-19-08

Charles E. Brumfield, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

CIVIL CASE COVER SHEET

**UNITED STATES
DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

148827 - KD
* * C O P Y * *
March 17, 2008
16:01:26

Civ Fil Non-Pris

USAO #: 08CV0489-W

Amount.: \$350.00 CK

Check#: BC 8063

Total-> \$350.00

FROM: CIVIL FILING
BIOSCIENCE V. FRIJOUF, ET AL

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Pure Bioscience

DEFENDANTS

Frijouf, Rust & Pyke P.A. Robert F. Frijouf

(b) County of Residence of First Listed Plaintiff United States San Diego Ca
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant United States Florida
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
Charles E. Brumfield

1725 Gillespie Way
El Cajon, CA 92020
(619) 596-8600 x138

Attorneys (If Known)
Hugh A. McCabe
Neil, Dymott, Frank, McFall & Trexler
1010 Second Ave., Suite 2500
San Diego, CA 92101
(619) 238-1712

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL PROPERTY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX/SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. § 1332(a) and 1441(a)

Brief description of cause: Declaratory Relief Claim for a breach of contract.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$ 0.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ YES ☒ NO

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE

DOCKET NUMBER

DATE

March 14, 2008

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY
RECEIPT # 148827

AMOUNT \$350

APPLYING IFP

148827

JUDGE

MAG. JUDGE

CR